

HOUSE BILL 2566

By Fincher

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 13, Part 4, relative to the punishment for
certain robbery offenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 4, is amended by
adding the following new sections:

Section 39-13-405.

(a) In addition to the punishment authorized by the specific statute prohibiting the conduct, any person who, on or after July 1, 2010, commits a violation of § 39-13-402(a)(1), § 39-13-403, or attempts to commit a violation of either of these sections, shall receive a sentence of community supervision for life.

(b) The judgment of conviction for all persons to whom the provisions of subsection (a) apply shall include that the person is sentenced to community supervision for life.

(c) The sentence of community supervision for life shall commence immediately upon the expiration of the term of imprisonment imposed upon the person by the court or upon the person's release from regular parole supervision, whichever first occurs.

(d)

(1) A person on community supervision shall be under the jurisdiction, supervision and control of the board of probation and parole in the same manner as a person under parole supervision. As a condition

of community supervision all persons subject to this section shall be monitored by a GPS global navigation satellite tracking system to be determined by the board. The board is authorized on an individual basis to establish such other conditions of community supervision as are necessary to protect the public from commission of a new aggravated or especially aggravated robbery offense, as well as promoting the rehabilitation of the person.

(2) The board is authorized to impose and enforce a supervision and rehabilitation fee upon a person on community supervision similar to the fee imposed by § 40-28-201. To the extent possible, the board shall set the fee in an amount that will substantially defray the cost of the community supervision program, but shall set the fee in an amount sufficient to defray the cost of each person's GPS monitoring. The board shall also establish a fee waiver procedure for hardship cases and indigency.

Section 39-13-406.

(a) After a person sentenced to community supervision pursuant to § 39-13-405 has been on supervision for a period of fifteen (15) years, the person may petition the sentencing court for release from community supervision.

(b) Upon receiving a petition, the court shall, at least thirty (30) days prior to a hearing on the petition, cause the office of the district attorney general responsible for prosecuting the person to be notified of the person's petition for release from supervision. Upon being notified, the district attorney general shall conduct a criminal history check on the person to determine if the person has been convicted of a criminal offense during the period of community supervision.

The district attorney general shall report the results of the criminal history check to the court, together with any other comments the district attorney general may have concerning the person's petition for release. The district attorney general may also appear and testify at the hearing, in lieu of, or in addition to, submitting written comments.

(c)

(1) If the report of the district attorney general indicates that the petitioner has been convicted of a criminal offense while under community supervision, the court shall deny the petition without conducting a hearing.

(2) If the report of the district attorney general indicates that the petitioner has not been convicted of a criminal offense while under community supervision, the court shall conduct a hearing on the petition. At the hearing, the court shall call such witnesses, including the prosecuting district attorney general, as the court deems necessary to reach an informed and just decision on whether the petitioner should be released from community supervision. The petitioner may offer such witnesses and other proof at the hearing as is relevant to the petition.

(3) If a petition for release from supervision is denied by the court, whether with or without a hearing, the person may not file another such petition for a period of three (3) years.

Section 39-13-407.

(a) It is an offense for a person to knowingly violate a condition of community supervision imposed upon the person pursuant to § 39-13-405.

(b)

(1) If the conduct constituting a violation of a condition of community supervision is not a criminal offense, the violation is a Class A misdemeanor.

(2) If the conduct constituting a violation of a condition of community supervision is a criminal offense that is classified as a misdemeanor, the violation is a Class A misdemeanor.

(3) If the conduct constituting a violation of a condition of community supervision is a criminal offense that is classified as a felony, the violation is a Class E felony.

(4) Each violation of a condition of community supervision constitutes a separate offense.

(c) If the violation of a condition of community supervision involves the commission of a new offense, the sentence for a violation of this section shall be served consecutive to any sentence received for commission of the new offense.

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.